MONTANA LEGISLATIVE HISTORY

Chapter 482 19 93

Bill H _____ S 323 Original bill & history ____C

H. Committee on Business & Econom. Developmt			S. Committee on Highways & Transportation		
Hearing Date(s)	Apr 01	✓ C	Hearing Date(s)	Feb 16	✓ C
	Apr 06	✓ C		Mar 16	✓ C
	_____	____C		Mar 18	✓ C
	_____	____C		_____	____C
Date Out	Apr 06	✓ C		Mar 18	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

PROFESSIONAL COUNSELOR THROUGH A GRADUATE DEGREE OR LICENSURE FROM ANOTHER STATE

2/12	INTRODUCED		
2/12	REFERRED TO BUSINESS & INDUSTRY		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/17	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	31	13
2/23	3RD READING PASSED	42	7
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/23	FIRST READING		
3/05	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	71	26
3/12	3RD READING CONCURRED	72	25
	RETURNED TO SENATE		
3/18	SIGNED BY PRESIDENT		
3/21	SIGNED BY SPEAKER		
3/22	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 197		
	EFFECTIVE DATE: 03/26/93		

SB 373 INTRODUCED BY BECK

REVISE MOTOR VEHICLE LAWS

BY REQUEST OF DEPARTMENT OF JUSTICE

2/12	INTRODUCED		
2/12	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/16	HEARING		
2/17	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
3/16	HEARING		
3/18	TABLED IN COMMITTEE		
3/26	COMMITTEE REPORT—BILL PASSED		
3/27	2ND READING PASSED	40	5
3/29	3RD READING PASSED	47	1
	TRANSMITTED TO HOUSE		
3/30	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
3/30	FIRST READING		
4/01	HEARING		
4/01	TABLED IN COMMITTEE		
4/06	COMMITTEE REPORT—BILL CONCURRED		
4/07	2ND READING CONCURRED	96	1
4/13	3RD READING CONCURRED	99	1
	RETURNED TO SENATE		
4/17	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		
4/20	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 482		
	EFFECTIVE DATE: 10/01/93—SECTIONS 1-3, 5-10		
	EFFECTIVE DATE: 01/01/94—SECTION 4		

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0373, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act generally revising the laws relating to motor vehicles.

ASSUMPTIONS:

1. Section 4 of the bill changes the fee for transfer of titles of off-highway vehicles from $4 to $5. Section 61-3-203, MCA, provides for a charge of $5 for all titles, and that is the amount currently being charged for off-highway vehicles.

FISCAL IMPACT: None.

Dave Lewis 2-17-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Sen Tom Beck 2/18/93

THOMAS BECK, PRIMARY SPONSOR DATE

Fiscal Note for SB373, as introduced

SB 373

Closing by Sponsor:
SEN. HARP was not present to close the hearing on SB 395.

HEARING ON SENATE BILL 373

Opening Statement by Sponsor:
SEN. BECK, Senate District 24, said SB 373 was a clean-up bill relating to motor-vehicle statutes. He said the SB 373 addresses four subject areas: It simplifies language concerning the filing of liens and concerning the Departments licensing of motor-vehicle brokers and mobile home sellers; it increases the title transfer fee for off-highway vehicles (OHV) making them commensurate to the title transfer fees for other motorized vehicles; and it simplifies the bond-title process.

Proponents' Testimony:
Peter Funk, Assistant Attorney General, Motor-Vehicle Division, stated SB 373 contained most of the clean-up measures the Department of Justice (DOJ) had deemed necessary. He briefly outlined the four subjects which SB 373 addressed. He said SB 373 addressed Montana's lien-filing statutes. He explained SB 373 would identify the difference between voluntary and involuntary liens and would specify that titles must accompany all collateral lien filings. He said SB 373 would increase the title transfer fee for OHVs from $4 to $5, and added this increase would make the title transfer fee consistent with the fees associated with cars, snowmobiles and boats. According to **Peter Funk,** SB 373 would also clarify the DOJ's regulatory authority over mobile home dealers and would exempt real estate agents from the licensure requirement for selling mobile homes. He concluded that SB 373 would also stipulate that bonded titles for motor-vehicles be issued by companies licensed to do business in Montana. **Peter Funk** concluded that the only significant change contained in SB 373 was the increase in the title transfer fee. He assured the Committee that the intent behind that provision was only to make that fee consistent with the fees charged for the motor-vehicles, snowmobiles and boats.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
SEN. SWYSGOOD asked how big was the problem posed by the issues addressed in SB 373. **Peter Funk** replied the mobile-home issue has been a major problem in the last two years, as has the lien filing situation. He stated the DOJ could live without these changes, but added that the four areas addressed by SB 373 comprise the majority of all problems the DOJ has experienced over the last two years. He concluded the DOJ had decided it would be better for all concerned to attempt to change Montana statute in these areas.

SEN. SWYSGOOD asked about the definition of "mobile home". He stated he was concerned about semi-tractors fitting into that definition. **Peter Funk** responded the intent of SB 373 was to limit that definition to trailer homes. He stated at least four different definitions exist in the Montana Codes Annotated for a "mobile home". He stated the DOJ had opted to take the existing definition of a "house trailer" and simply apply that to "mobile home" as well.

SEN. REA asked if real estate agents were licensed to sell trailer homes from a trailer lot. **Peter Funk** replied that the only people who would not be required to have a license from the DOJ would be people who hold a real estate agent or broker license. He added that exemption would only pertain to the selling of mobile homes.

Closing by Sponsor:
SEN. BECK emphasized that SB 373 was only a clean-up bill and would not change anything in the statute. He stated SB 373 would make it a little simpler to operate state government.

HEARING ON SENATE BILL 353

Opening Statement by Sponsor:
SEN. HARDING, Senate District 25, said SB 353 was suggested and supported by the County Treasurers Association. She stated SB 353 would streamline county treasurers' work by changing annual application date for camper decals to be consistent with that date for motor homes and travel trailers. She added SB 353 would provide a delayed effective date allowing 1992 decals to remain valid until June 15, 1993. She informed the committee members that supporting SB 353 would make them "very popular with their county treasurers".

Proponents' Testimony:
Bud Schoen, Motor Vehicle Division, DOJ, stated the DOJ was not opposed to SB 353.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
SEN. STANG asked what the current fee for camper decals was. **Bud Schoen** replied there was a $1 decal fee.

SEN. BRUSKI-MAUS asked that the description of a camper be defined. **Bud Schoen** replied SB 353 addressed "slided campers" that are placed on trucks. He added SB 353 did not address toppers weighing under 300 pounds.

SEN. TVEIT asked if SB 353 would allow people to "run on last year's camper decal" for an extra six months as a "one-time thing". **Bud Schoen** replied yes.

Discussion:
SEN. STANG noted the clause was the only reference in SJR 17 to the need for a review of the logo sign program. He stated the study would not occur if the clause was removed. **CHAIRMAN WEEDING** agreed that the logo sign program should not be completely removed from SJR 17, but suggested using some other language.

SEN. STANG argued that businesses could depreciate and write off assets for a certain length of time after their purchase. He noted that during that time a company could show a loss even though it was actually making money. He stated a company showing no profit on its income statements does not necessarily mean it is not a profitable business.

SEN. TVEIT withdrew his motion.

Vote:
The MOTION THAT SJR 17 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 353

Motion: **SEN. BRUSKI-MAUS** moved SB 353 DO PASS.

Discussion:
CHAIRMAN WEEDING informed the Committee SB 353 did have a fiscal note which was unavailable. He added SB 353 would not raise any fees.

Vote: The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 373

CHAIRMAN WEEDING informed the Committee that SB 373 also had a fiscal note which was pending. He noted, however, that SB 373 would raise OHV title transfer fees by $1.

Dave Bohyer said that the state's General Fund would receive 50 cents of the $1 increase and the county in which the title-transfer occurred would receive 50 cents.

Motion/Vote:
SEN. TOEWS moved TO TABLE SB 373. The MOTION CARRIED WITH **SENATORS REA, WEEDING, BRUSKI-MAUS** and **MCCLERNAN** voting NO. **SENATORS MCCLERNAN** and **HARP** cast their votes by proxy (Exhibits #4 and #5).

EXECUTIVE SESSION ON SENATE BILL 395

Discussion:
CHAIRMAN WEEDING said the hearing on SB 395 indicated that the 15 foot hangover was the primary safety concern. He wondered if the question of overall length was all that critical.

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE February 16, 1993

NAME	PRESENT	ABSENT	EXCUSED
SEN. CECIL WEEDING, CHAIR	X		
SEN. BETTY BRUSKI-MAUS, VICE-CHAIR	X		
SEN. JOHN HARP	X		
SEN. FRANCIS KOEHNKE	X		
SEN. HENRY MCCLERNAN	X		
SEN. JACK "DOC" REA	X		
SEN. BARRY "SPOOK" STANG	X		
SEN. CHARLES "CHUCK" SWYSGOOD	X		
SEN. DARYL TOEWS	X		
SEN. LARRY TVEIT	X		

F08

Attach to each day's minutes

DATE February 16, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 353, SB 395, SB 373

SJR 17

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Bud Schoen	Motor Vehicle Div	353	✓	
Bud Schoen	" " "	373	✓	
Peter Funk	Dept. of Justice	373	✓	
Don Collins	Mt. Wool Products Assn	395		✗
Dave Gall	MDT SB 395			
Bill Chandler	Stone Container	395		✓
Gordon Olson	Simpson Lodge	395	✓	
Gerald V. Barber		395		✓
Bill Brewer	B & N	395		✓
Dreeda Fielding	Dreeda Fielding	395	✓	
Denny McManus	Denny McManus	395	✓	
Stan Kaleczyc	Logo Signs of Montana	SJ 17	✓	

VISITOR REGISTER

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F10

address **SEN. SWYSGOOD's** concerns. She stated she was open to amendments.

CHAIRMAN WEEDING asked **Tom Gomez** to evaluate that section of HB 541 and provide the Committee with a legal interpretation of that language.

CHAIRMAN WEEDING asked if the Sioux Line was distinct from what the contemplated branchlines in the four counties. **Rep. Nelson** replied the Sioux Line is currently distinct because it is not abandoned.

CHAIRMAN WEEDING asked whether a rail authority had been created on the Sioux line, or if BN were still operating it. **Mary Nielsen** replied that particular section has been leased from the Sioux Line and is operating as a shortline authority. She added the operator is doing what HB 541 would enable counties to do.

CHAIRMAN WEEDING asked which four counties would be directly affected by HB 541. **Rep. Nelson** replied Sheridan, Daniels, Valley and Roosevelt counties.

SEN. SWYSGOOD asked approximately how much money would be raised by six mills. **Rep. Nelson** responded a mill in Sheridan County is worth about $12,000 but added the amount would differ in other counties.

Closing by Sponsor:
Rep. Nelson said she had supporting testimony to enter from the four counties in her area (Exhibits #3, #4, #5, #6). She then read from the letter written by the Sheridan county commissioners (Exhibit #3). She emphasized that HB 541 addresses an issue of local control and affects only those counties which have abandoned or about to be abandoned railroad lines. She stated if those counties want to help themselves by taxing themselves she did not see how the state could forbid them to do that.

HEARING ON SENATE BILL 373

SEN. STANG and **SEN. SWYSGOOD** requested that the record reflect their objection to rehearing SB 373 which **CHAIRMAN WEEDING** had agreed to at the request of the sponsor and the Department of Justice.

Opening Statement by Sponsor:
SEN. BECK, Senate District 24, explained that SB 373 is a clean-up bill. He said the Department of Justice would clarify the provisions of SB 373 dealing with the lien laws and the alterations required to make the process of filing liens more palatable to the banking industry. He stated SB 373 would increase a fee from $4 to $5 to make it coincide with other fees which are currently being assessed. He admonished the Department of Justice to keep their explanations of SB 373 short.

Proponents' Testimony:
Peter Funk, Department of Justice, emphasized that SB 373 would enable better public service in the areas of both lien filing and dealer regulation. He said prior to 1991 security interests pertaining to motor-vehicles, snowmobiles, boats and off-highway vehicles were filed with the Department of Justice. He said this practice created a variety of problems for Montana's financial community. As a result, **Peter Funk** said the law was changed in 1991 to require that security interests involving transfers of ownership be filed with the county treasurers and perfected at the time of delivery. He explained, however, the collateral lien filing language adopted in 1991 did not provide that the title must accompany a collateral lien filing. **Peter Funk** said SB 373 would correct that omission, and added this change is necessary because the department is statutorily required to file security interests by placing them on the face of the vehicle's title or certificate of ownership.

Peter Funk said SB 373 also contains clean-up language distinguishing between voluntary and involuntary interests. He explained his department has to monitor a variety of involuntary interests pertaining to motor vehicles, and in 99 percent of such cases there is not a title on file for such vehicles. **Peter Funk** said in these cases an involuntary change cannot be noted on the title as is legally required. He stated SB 373 would address this problem by distinguishing between voluntary and involuntary security interests and by making it clear that the existing requirement, that the interest be filed on vehicle titles, applies only to voluntary security interests.

Peter Funk said section four of SB 373 would raise the title transfer fee for off-highway vehicles from $4 to $5. According to **Peter Funk**, HB 712 raised the title transfer fees for motor-vehicles, snowmobiles and boats but inadvertently omitted off-highway vehicles in 1989. He said this omission was unfortunate since HB 712's intent was to make the file transfer fees uniform. He stated raising this fee would make title transfer fees consistent and bring some uniformity to the operations of county treasurers and the Department of Justice. He said the fiscal note reflects that the Department of Justice is already charging the $5 fee, so SB 373 would have no fiscal impact.

According to **Peter Funk**, SB 373 also clarified the Department of Justice's responsibilities in regulating "dealers". He explained that the department regulates a wide variety of dealers of motor-vehicles and things related to motor-vehicles like motorcycles, trailers, and mobile homes. He said SB 373 would amend the definition of "broker" so that it does not conflict with the definition of "motor-vehicle dealer" and clarify that mobile home sellers are regulated by the department unless they are real estate agents. **Peter Funk** stated the people who sell mobile homes are attempting to force the Department of Justice to license all real estate agents in the state. He added according to current statutory language the mobile home dealers have a good

argument. He stated it is unjustified to force the real estate community to have not only real estate licenses but also licenses from the Department of Justice to sell mobile homes.

Peter Funk said current statute does not specify that bonds required to purchase untitled vehicles must be issued by a bonding company licensed to do business in Montana. He stated SB 373 would correct that omission and ensure that the companies issuing these bonds are licensed by the state auditor's office. **Peter Funk** concluded that the Department of Justice can live without the passage of SB 373, but asserted SB 373 is not a question of his department's life; it is, instead, the lives of the committee members' constituents which would be made a little bit easier with the passage of SB 373.

Bill Leary, Montana Bankers Association, stated the Department of Justice has studied, restudied and restructured SB 373 to clarify a particular problem which many institutions have relative to the perfection of liens. He stated his organization supports SB 373 for this reason if none other. He said part of government's obligation is to structure legislation to direct people to those agencies that grant vehicle licenses. Speaking for himself, **Bill Leary** stated SB 373 would also clarify and eliminate the dual obligation for licensing for the same function and on that ground deserves the Committee's study, consideration, merit and support.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
SEN. SWYSGOOD asked what problems the banks were having under the current system. **Bill Leary** replied that the banks have worked toward the centralization of liens for years. He said the banking community hoped that liens could be perfected by filing with the Department of Justice in this particular case. He added that involving the local treasurers in the process might create another problem, but concluded that bankers lives would be made easier if they could be certain a lien filed on a vehicle would go to a specified place.

SEN. SWYSGOOD asked if the banking community was concerned abut the speed in which liens are perfected under current conditions. **Bill Leary** responded he did not believe that speed was as important a question as it had been previously. He stated a few years ago speed was a concern because significant delays were caused when liens filed with the county treasurers had to go to Deerlodge, but that situation had been improved.

SEN. MCCLERNAN commented that he did not understand how the issues addressed by SB 373 could be construed as public policy. He said the Department of State Lands is authorized by statute to issue mining companies permits to create great big open pits or strip mines. He added if the Departments of Justice and

Transportation are not allowed to resolve these issues by administrative rules a big problem exists. He urged both departments to attempt to get the authority to resolve these types of issues interdepartmentally.

CHAIRMAN WEEDING stated **SEN. MCCLERNAN's** was a valid observation.

Closing by Sponsor:
CHAIRMAN WEEDING asked if the Committee would consent to close the hearing on SB 373 without **SEN. BECK** at **SEN. BECK's** request. The Committee gave its consent and the hearing was closed.

HEARING ON HOUSE BILL 530

Opening Statement by Sponsor:
Rep. Spring, House District 77, stated HB 530 would correct the unfair business advantage created by a law adopted in 1991 which enabled companies to obtain special permits to operate truck, trailer, trailer configurations on routes they had operated on prior to 1987. **Rep. Spring** explained the version of HB 530 the Committee had before it was more restrictive than the law passed in 1991; the House amended HB 530 on the floor to allow only the hauling of talc ore between Hammond, Madison, and Three Forks, Montana. He said HB 530 would "level the playing field" by requiring any company currently hauling gravel or any commodity other than talc ore to drop the second trailer on their trucks.

CHAIRMAN WEEDING informed the Committee that former Sen. **Jerry Noble**, who had been a member of the Highways Committee for several sessions, had called him. **CHAIRMAN WEEDING** said **Jerry** had not been aware of today's hearing on HB 530 and neither he nor the representatives of the Bozeman companies who felt the current law was unfair, **Bill Ogle** and **Rich Allison** were able to attend. **CHAIRMAN WEEDING** stated these three individuals had requested the opportunity to speak on HB 530. He said if the Committee had no objection, the testimony of those present could be given at this meeting and the hearing on HB 530 would be continued next week.

Proponents' Testimony:
Dave Galt, Administrator, Motor-Vehicle Division, DOT, said DOT is in support of HB 530 because the current law creates an unfair business advantage by allowing only one carrier to operate a particular equipment configuration and because the issue addressed by HB 530 needs to be resolved. He distributed a diagram of three vehicle configurations (Exhibit #7) and informed the Committee that the truck, trailer, trailer combination on the bottom of the sheet was the vehicle configuration in question. He stated the other two combinations are currently allowed on any highway in Montana if they do not exceed 95 feet in length. He explained that the truck, trailer, trailer combination had not been defined in statute before 1987. According to **Dave Galt**, in 1987 this configuration was included in the definition of a

ROLL CALL

SENATE COMMITTEE Highways & Transport DATE March 16, 1993

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CECIL WEEDING, CHAIR	X		
SENATOR BETTY BRUSKI-MAUS, V-CHAIR	X		
SENATOR DARYL TOEWS	X		
SENATOR JOHN HARP		X	
SENATOR FRANCIS KOEHNKE	X		
SENATOR JACK "DOC" RIZA			X
SENATOR LARRY TVELT	X		
SENATOR CHARLES SYLVESTOOD	X		
SENATOR BARRY "SPOOK" STANG	X		
SENATOR HENRY McCLERNAN	X		

F08

Attach to each day's minutes

DATE 16 March 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 373, HB 336, HB 530, HB 541

Name	Representing	Bill No.	Check One: Support	Oppose
Flide Brammer	Broadwater Co Trea	HB336	X	
" "	" " "	HB373	X	
Tim Hokanson	AM Wells Inc	HB530		X
Bill Cunei	Luzenac America	HB530		X
Dave Galt	MDT	HB530	X	
Peter Funk	Dept. of Justice	SB373	X	
Mary Nelson	M.B.L.E	HB541	X	
Virgil Anderson	MCCA & MCERA	HB541	X	
Bill Leary	MT. Bankers Assn	SB373	X	
Curt Harrington	Montana Lessors Assn	HB 336 HB 373	✓	
Dean Roberts	Nat Res Div	HB 373 HB 336	~	
Doyle Faul	Farmers Union	HB541	X	
Sen John C. Brenden		HB 541	✓	
John Hanger	Teamsters	HB530	✓	

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F10

short. He informed the Committee that the commercial hay grinders are not over-the-road vehicles but are on the highway just to get from one place to another. He said **Mr. Faust** quite often grinds hay well into darkness and has to unhook, go home and come back the next morning to move to his next operation. **Rep. Ellis** explained commercial hay grinders are very expensive because they have 350 horsepower engines. He stated the fewer hours **Mr. Faust** can operate, the more expensive it is for farmers and ranchers.

EXECUTIVE ACTION ON SENATE BILL 373

SEN. SWYSGOOD informed the Committee that **SEN. STANG** had left proxy votes with him, and that he would give **SEN. STANG's** vote each time the Committee took action (Exhibit #3).

Motion:
SEN. MCCLERNAN moved SB 373 DO PASS.

Discussion:
SEN. REA asked that the content of SB 373 be clarified.

CHAIRMAN WEEDING and **SEN. SWYSGOOD** briefly explained the content of SB 373. **CHAIRMAN WEEDING** noted that SB 373 would accommodate the banking community by helping them keep track of security interests. He said SB 373 would require all vehicle titles to be filed with the Motor-Vehicle Division, Department of Justice. He said SB 373 would also raise the filing fees on off-road vehicles to make them consistent with the fees charged for other motor vehicles.

Vote:
The MOTION FAILED with **SEN. TVEIT, SEN. SWYSGOOD, SEN. KOEHNKE, SEN. TOEWS,** and **SEN. STANG** voting NO.

Motion/Vote:
SEN. SWYSGOOD moved to TABLE SB 373. The MOTION CARRIED with **SEN. MCCLERNAN, SEN. REA,** and **CHAIRMAN WEEDING** voting NO.

EXECUTIVE ACTION ON HOUSE BILL 232

Discussion:
CHAIRMAN WEEDING asked **SEN. SWYSGOOD** if he had received the information he had requested on HB 232. **SEN. SWYSGOOD** replied he had, and he said favored HB 232 because it would make Montana statute consistent with federal statute.

Motion/Vote:
SEN. REA moved HB 232 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. **SEN. STANG** will carry HB 232 on the Senate floor.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on April 1, 1993, at 8:00 A.M.

ROLL CALL

Members Present:
Rep. Steve Benedict, Chair (R)
Rep. Sonny Hanson, Vice Chair (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (R)
Rep. Doug Wagner (R)

Members Excused: Rep. Stella Jean Hansen

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 373
Executive Action: SB 373

HEARING ON SB 373

Opening Statement by Sponsor:

REP. PAVLOVICH, House District 70, Butte, opened for SEN. TOM BECK, Senate District 24, Deer Lodge. Rep. Pavlovich said SB 373

will revise the laws relating to motor vehicles and clarify the process for the filing of collateral liens. It will increase the title transfer fees for off-highway vehicles, and revise the definition of motor vehicle brokers. It will clarify the process of licensing mobile home dealers, and the surety language in regard to bonded titles.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

Rep. Pavlovich closed.

EXECUTIVE ACTION ON SB 373

Motion: REP. BRANDEWIE MOVED SB 373 BE TABLED.

Discussion: None

Motion/Vote: The question was called. Voice vote was taken. Motion CARRIED unanimously.

Vote: SB 373 BE TABLED. Motion CARRIED 17 - 0.

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL DATE 4-1-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN			
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993
wp.rollcall.man

REP. BRANDEWIE called the question. Voice vote was taken. Motion carried 16 - 2 with **REPS. LARSON and COCCHIARELLA** voting no.

REP. BACHINI MOVED SB 430 BE CONCURRED IN AS AMENDED. REP. BRANDEWIE called the question. Voice vote was taken. Motion carried 15 - 3 with **REPS. BARNETT, WAGNER AND ELLIS** voting no.

Vote: **SB 430 BE CONCURRED IN AS AMENDED.** Motion carried 15 - 3. **EXHIBIT 11**

EXECUTIVE ACTION ON SB 373

Motion: **REP. BRANDEWIE MOVED TO RECONSIDER ACTION ON SB 373 AND TAKE FROM THE TABLE.**

Discussion: **SEN. BECK** said SB 373 is a cleanup bill for the Department of Justice. He said in the last session, the legislature allowed for the titling of snowmachines. SB 373 will coincide with that bill from last session to allow the banks to process the liens in the proper order, and raise the fees from $4 to $5.

Peter Funk, Assistant Attorney General, distributed a fact sheet prepared by the Department of Justice which shows the elimination of inconsistencies in the motor vehicle code involving the processing of liens and titles and the department's regulatory functions over motor vehicle dealers and mobile home dealers. **EXHIBIT 10**

Motion/Vote: **REP. BRANDEWIE MOVED SB 373 BE CONCURRED IN.** Voice vote was taken. Motion carried unanimously.

Vote: **SB 373 BE CONCURRED IN.** Motion carried 18 - 0.

EXECUTIVE ACTION ON SB 354

Motion: **REP. BACHINI MOVED SB 354 BE CONCURRED IN.**

Discussion: **REP. BRANDEWIE** moved to adopt an amendment. Voice vote was taken. Motion carried 15 - 3 with **REPS. DOWELL, TUSS AND STELLA JEAN HANSEN** voting no. John Cadby's amendment. **EXHIBIT 1**

REP. SIMON moved to adopt an amendment on page 11, line 14, and page 14, line 18. **REP. BRANDEWIE** called the question. Voice vote was taken. Motion carried unanimously.

REP. BRANDEWIE moved to adopt an amendment to insert an coordinating clause. **Susan Fox, Legislative Counsel**, said the

HOUSE STANDING COMMITTEE REPORT

April 6, 1993

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 373 (third reading copy -- blue) be concurred in .

Signed: _____
Steve Benedict, Chair

Carried by: Rep. Mills

Committee Vote:
Yes 7, No 1.

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